

***Effective 5/13/2014***

**63C-4a-202 Creation of Constitutional Defense Council -- Membership -- Vacancies -- Meetings -- Staff -- Reports -- Per diem, travel expenses, and funding.**

- (1) There is created the Constitutional Defense Council.
- (2)
  - (a) The council shall consist of the following members:
    - (i) the governor or the lieutenant governor, who shall serve as chair of the council;
    - (ii) the president of the Senate or the president of the Senate's designee who shall serve as vice chair of the council;
    - (iii) the speaker of the House or the speaker of the House's designee who shall serve as vice chair of the council;
    - (iv) another member of the House, appointed by the speaker of the House;
    - (v) the minority leader of the Senate or the minority leader of the Senate's designee;
    - (vi) the minority leader of the House or the minority leader of the House's designee;
    - (vii) the attorney general or the attorney general's designee, who shall be one of the attorney general's appointees, not a current career service employee;
    - (viii) the director of the School and Institutional Trust Lands Administration;
    - (ix) four elected county commissioners, county council members, or county executives from different counties who are selected by the Utah Association of Counties, at least one of whom shall be from a county of the first or second class;
    - (x) the executive director of the Department of Natural Resources, who may not vote;
    - (xi) the commissioner of the Department of Agriculture and Food, who may not vote;
    - (xii) the director of the Governor's Office of Economic Development, who may not vote; and
    - (xiii) two elected county commissioners, county council members, or county executives from different counties appointed by the Utah Association of Counties, who may not vote.
  - (b) The council vice chairs shall conduct a council meeting in the absence of the chair.
  - (c) If both the governor and the lieutenant governor are absent from a meeting of the council, the governor may designate a person to attend the meeting solely for the purpose of casting a vote on any matter on the governor's behalf.
- (3) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as the original appointment.
- (4)
  - (a)
    - (i) Except as provided in Subsection (4)(a)(ii), the council shall meet at least monthly or more frequently as needed.
    - (ii) The council need not meet monthly if the chair, after polling the members, determines that a majority of the members do not wish to meet.
  - (b) The governor or any six members of the council may call a meeting of the council.
  - (c) Before calling a meeting, the governor or council members shall solicit items for the agenda from other members of the council.
  - (d)
    - (i) The council shall require that any entity, other than the commission, that receives money from the Constitutional Defense Restricted Account provide financial reports and litigation reports to the council.
    - (ii) Nothing in this Subsection (4)(d) prohibits the council from closing a meeting under Title 52, Chapter 4, Open and Public Meetings Act, or prohibits the council from complying with Title 63G, Chapter 2, Government Records Access and Management Act.

- (e) A majority of the voting membership on the council is required for a quorum to conduct council business. A majority vote of the quorum is required for any action taken by the council.
- (5)
  - (a) The Office of the Attorney General shall advise the council.
  - (b) The Public Lands Policy Coordinating Office shall provide staff assistance for meetings of the council.
- (6)
  - (a) A member of the council who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
    - (i) Section 63A-3-106;
    - (ii) Section 63A-3-107; and
    - (iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
  - (b) Compensation and expenses of a member of the council who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
- (7) Money appropriated for or received by the council may be expended by the governor in consultation with the council.

Amended by Chapter 387, 2014 General Session